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FIFTY-NINTH LEGISLATURE

**TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 16, 2008**

Senate Chamber

At the request of President Pro Tempore Geddes, Senator Cameron called the Senate to order at 11:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Gannon, Baer, and McKague, absent and formally excused by the Chair; and Senators Pearce, Langhorst, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Richard Henke, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Schroeder and Langhorst were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 15, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Pearce was recorded present at this order of business.

January 16, 2008

The JUDICIARY AND RULES Committee reports that S 1264, S 1265, S 1266, S 1267, S 1268, S 1269, S 1270, S 1271, S 1272, S 1273, S 1274, and S 1275 have been correctly printed.

DARRINGTON, Chairman

S 1264, S 1265, S 1266, S 1267, S 1268, and S 1269 were referred to the Resources and Environment Committee.

S 1270, S 1271, S 1272, S 1273, S 1274, and S 1275 were referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 16, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Stephen Weeg of Pocatello, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 7, 2007, and expiring January 7, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 16, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Darrell Kerby of Bonners Ferry, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing April 10, 2007, and expiring January 7, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senator Stegner was recorded present at this order of business.

S 1276

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO WEIGHTS AND MEASURES STANDARDS; AMENDING SECTION 71-240, IDAHO CODE, TO CLARIFY THE PROCESS AND TERMINOLOGY USED IN SALES AND DELIVERY OF COMMODITIES IN BULK.

S 1277

BY BROADSWORD

AN ACT

RELATING TO WATER RIGHTS ADJUDICATIONS; AMENDING SECTION 42-1406B, IDAHO CODE, TO DELETE REFERENCE TO ALL USERS OF SURFACE AND GROUND WATER IN NORTHERN IDAHO, TO PROVIDE A LIMITATION RELATING TO THE PETITION TO COMMENCE ADJUDICATIONS, TO PROVIDE THAT CLAIMANTS OF CERTAIN TYPES OF WATER RIGHTS MAY FILE NOTICES OF CLAIM IN A GENERAL ADJUDICATION BUT SHALL NOT BE REQUIRED TO FILE NOTICES OF CLAIM AND TO PROVIDE THAT CERTAIN WATER RIGHTS SHALL NOT BE LOST BY FAILURE TO FILE A NOTICE OF CLAIM; AND DECLARING AN EMERGENCY.

S 1278

BY BROADSWORD

AN ACT

RELATING TO WATER RIGHTS ADJUDICATIONS; AMENDING SECTION 42-1406B, IDAHO CODE, TO RESTRICT CERTAIN WATER RIGHTS ADJUDICATION TO ADJUDICATION OF WATER RIGHTS DIVERTING FROM THE RATHDRUM PRAIRIE AQUIFER; AMENDING SECTION 42-1425, IDAHO CODE, TO PROVIDE THAT CERTAIN ACTIONS RELATING TO WATER PRIOR TO A SPECIFIED DATE SHALL CONSTITUTE ACCOMPLISHED TRANSFERS AND MAY BE CLAIMED IN A GENERAL ADJUDICATION; AND DECLARING AN EMERGENCY.

S 1279

BY BROADSWORD

AN ACT

RELATING TO WATER RIGHTS ADJUDICATIONS; REPEALING SECTION 42-1406B, IDAHO CODE, RELATING TO NORTHERN IDAHO WATER RIGHTS ADJUDICATIONS; AND AMENDING SECTION 42-1425, IDAHO CODE, TO DELETE REFERENCES TO NORTHERN IDAHO ADJUDICATIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1280

BY SCHROEDER

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE A FEE PROVISION FOR A HOUND HUNTER PERMIT.

S 1281

BY SCHROEDER

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE A FEE PROVISION FOR A MOUNTAIN LION TAG.

S 1282

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE LOTTERY; AMENDING SECTION 67-7410, IDAHO CODE, TO REVISE THE AUTHORITY OF THE LOTTERY'S SECURITY DIRECTOR TO REQUIRE FINGERPRINT-BASED CRIMINAL HISTORY CHECKS USING THE STATE CENTRAL DATABASE AND THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY DATABASE ON PROSPECTIVE EMPLOYEES, VENDORS, CONTRACTORS, LOTTERY RETAILERS AND BINGO AND RAFFLE OPERATORS.

S 1283

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5908, IDAHO CODE, TO PROVIDE THAT A DISTRICT COURT MAY ISSUE AN ORDER FOR REASONABLE ATTORNEY'S FEES IN A CIVIL ACTION FILED BY THE HUMAN RIGHTS COMMISSION OR FILED BY A PERSON ALLEGING UNLAWFUL DISCRIMINATION.

S 1284

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2510, IDAHO CODE, TO PROVIDE FOR BONUSES FOR IDAHO BRED WINNERS, TO PROVIDE THAT CERTAIN RACES MAY BE WRITTEN AS IDAHO BRED PREFERRED RACES, TO PROVIDE FOR THE PAYMENT OF A PERCENTAGE OF FIRST PLACE PURSE MONEY BY LICENSEES TO BREEDERS, TO PROVIDE THAT CERTAIN MONEYS SHALL BE INCLUDED AND CERTAIN MONEYS EXCLUDED FROM CALCULATION OF BREEDER PAYMENTS AND TO MAKE A TECHNICAL CORRECTION.

S 1276, S 1277, S 1278, S 1279, S 1280, S 1281, S 1282, S 1283, and S 1284, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:46 a.m. until the hour of 11:30 a.m., Thursday, January 17, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary